

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 17, 2003, the Examiner objected to claims 11 and 21, rejected claims 1, 11, 21 and 31 under 35 U.S.C. 112, first paragraph, and rejected claims 1-43 under 35 U.S.C. 103(a) as being unpatentable over Lawson et al. (United States Patent No. 5,721,825, hereinafter "Lawson") in view of Boukobza et al. (United States Patent No. 6,122,664, hereinafter "Boukobza"). Accordingly, Applicants respectfully provide the following:

Objection to Claims 11 and 21

In the Office Action, the Examiner objected to claims 11 and 21 indicating that "... the 'DCS' does NOT mean the 'Distributed Computer Environment'." (see page 3 of the Office Action) Applicants appreciate the objection made by the Examiner and respectfully submit that the amendments to claims 11 and 21 as provided herein correct the informalities for which the Examiner objected to the claims.

Rejection under 35 U.S.C. §112, first paragraph

In the Office Action, the Examiner rejected claims 1, 11, 21 and 31 under 35 U.S.C. 112, first paragraph, indicating that the specification does not reasonably provide enablement for the limitation of monitoring said specific events as they are passed from one controller to another controller of said DCE. Applicants respectfully submit that the amendments to the claims 1, 11, 21 and 31 as provided herein overcome the rejection made by the Examiner under 35 U.S.C. § 112, first paragraph. In particular, Applicants respectfully submit that the limitation has been modified to be a limitation of monitoring said specific events passed from one controller to

another controller of said DCE, which is supported by the disclosure as originally filed. For example, the page 12, lines 15-20 of the original disclosure of the application provides:

Once the system administrator defines the events to be monitored and the event consumers to report which events have occurred, the changes are implemented within DSC 10. The monitor settings, as found in each of registration lists 20A, 20B, 20C are used to test events that are passed from the GES controller 14 to DA controller 16 to see if they conform with any configured monitor settings found in registration list 20A, 20B, 20C.

Accordingly, Applicants respectfully submit that the amendments to the claim set as provided herein overcome the rejection made by the Examiner under 35 U.S.C. § 112, first paragraph, and do not contain new matter as the amendments are supported by the disclosure of the application as originally filed.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1-43 under 35 U.S.C. 103(a) as being unpatentable over Lawson in view of Boukobza. Applicants respectfully submit that the claim set as provided herein is not made obvious by the cited references.

The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest all the limitations claimed in the present invention. In the Office Action, the Examiner acknowledged that Lawson does not explicitly disclose identifying specific events within the list of events to be monitored for a specific purpose. (see page 4 of the Office Action) Further, Applicants respectfully submit that Boukobza does not teach or suggest the limitations of notifying a specific event consumer of the occurrence of said specific events, wherein said specific events meet a criteria of said specific purpose, and using said specific event consumer to report the occurrence of said specific events by utilization of a filter associated with said specific event consumer to determine which final event consumer is to receive said report and in which of a plurality of available formats said report is provided.

In particular, independent claims 1, 11, 21 and 31 include limitations relating to notifying a specific event consumer of the occurrence of said specific events, wherein said specific events meet a criteria of said specific purpose, and using said specific event consumer to report the occurrence of said specific events by utilization of a filter associated with said specific event consumer to determine which final event consumer is to receive said report and in which of a plurality of available formats said report is provided. These limitations are supported in the original disclosure of the application. An example of such support is located in the disclosure from page 12, line 21 through page 13, line 6 of the application as originally filed.

None of the references cited by the Examiner, alone or in any combination, teaches or suggests notifying a specific event consumer of the occurrence of said specific events, wherein said specific events meet a criteria of said specific purpose, and using said specific event consumer to report the occurrence of said specific events by utilization of a filter associated with said specific event consumer to determine which final event consumer is to receive said report

and in which of a plurality of available formats said report is provided. For at least this reason, Applicants respectfully submit that no prima facie case of obviousness is established since the prior art references do not teach or suggest all the claim limitations.

Applicants respectfully submit that for at least the reasons provided herein, the references cited by the Examiner, alone or in combination, do not make obvious independent claims 1, 11, 21 and 31. And, since claims 2-10, 12-20, 22-30 and 32-43 respectively depend from independent claims 1, 11, 21 and 31, Applicant further submits that for at least the reasons provided herein, the references cited by the Examiner, alone or in combination, do not make obvious claims 2-10, 12-20, 22-30 nor 32-43. Thus, Applicant respectfully submits that the claim set as provided herein overcomes all objections and rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant respectfully submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 17 day of March, 2004.

Respectfully submitted,

Michael R. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893

727821